

REMARKS

Claims 21-22 are currently pending in this application. Upon entry of these amendments, claims 21-22 will remain pending. Applicant asserts that no new matter is introduced into the specification by way of these amendments.

Objections

The Examiner objected to claim 21 as lacking amendment to reflect the election, and requiring appropriate correction. *See* Paper No. 19, Page 2, lines 7-9. Applicants have amended claim 21 herein to reflect the election, and believe that the Examiner's concerns have been addressed. Reconsideration and withdrawal of the objection to claim 21 is respectfully requested.

Rejections

Rejections under 35 U.S.C. § 112, 2nd Paragraph

Claims 21-22 were rejected under 35 U.S.C. § 112, 2nd paragraph, as allegedly "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." *See* Paper No. 19, page 2, lines 14-16. More specifically, the rejection states that it is unclear what the metes and bounds of claim 21 are. For example, the rejection queries whether "an antibody capable of binding a protein having identical amino acid [sic] with instant SEQ ID NO:4 except Arginine at position 234 of instant SEQ ID NO:4 [is] within metes and bounds of the antibody claimed in the instant claim?" *See* Paper No. 19, Page 2, lines 20-22.

Applicants respectfully disagree and traverse this rejection.

As an initial matter, Applicants appreciate the acknowledgement that SEQ ID NO:4 is free of the art, and that accordingly antibodies capable of binding to polypeptides of SEQ ID NO:4, but not polypeptides of pp32, are also free of the art. *See* Paper No. 19, page 3, lines 1-2.

Applicants traverse this rejection in light of the present amendments. Claim 21 is amended herein to claim an antibody that specifically binds to a polypeptide consisting of the sequence of pp32r1 (SEQ ID NO:4), but does not specifically bind to a polypeptide consisting of the sequence of pp32 (SEQ ID NO:5). One of skill in the art would easily understand that the claim as amended encompasses antibodies capable of binding to a polypeptide consisting of SEQ ID NO:4 but incapable of binding to a polypeptide consisting

of SEQ ID NO:5. The limitation that the claimed antibody must bind a polypeptide of SEQ ID NO:4, and not bind a polypeptide of SEQ ID NO:5, clearly provides the metes and bounds necessary for a definite claim. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 21 and 22 under 35 U.S.C. § 112, 2nd paragraph.

CONCLUSION


Applicant believes that incorporation of the amendments and consideration of the above remarks has placed this application in a condition for allowance. Early notification of a favorable consideration is respectfully requested.

Respectfully submitted,

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Dated: October 15, 2003

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